

## Compliance Assessment Report CAR\_NRW0043296

**Permit being assessed:** AB3591ZQ.

**For:** Maelor Foods Limited, **held by:** Maelor Foods Limited

**At:** Maelor Foods Limited, Pickhill Lane, Cross Lanes, Wrexham, Wrexham, LL13 0UE.

**Type of assessment:** Site Inspection,

**Reason:** Routine.

**On:** 17/01/2024 between 09:40 and 13:30.

**Parts of permit assessed:** See Below.

**NRW Lead Officer:** Philip Harper, accompanied by Stuart Ross.

**Report sent to:** James Colley, General Manager, on 09/02/2024.

### 1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR1A - Management - General management	Action only (X)	
IR1A - Management - General management	C3 Minor	1.1.1(b)
IR1A - Management - General management	Action only (X)	
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	3.1.1
IR1A - Management - General management	Action only (X)	
IR1A - Management - General management	Action only (X)	
IR1A - Management - General management	C2 Significant	1.1.1(a)

Result types are explained in more detail in the 'Important Information' section below.

Total non-compliances recorded	Total non-compliance score
3	39

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

### 2. What action is required?

Criteria	Action needed	Complete by
IR1A	See actions in main text.	01/03/2024
IR1A	See Actions in main text	01/03/2024

Criteria	Action needed	Complete by
IR1A	See actions in main text	01/03/2024
IR3A	See actions in main text	12/02/2024
IR1A	See actions in main text	01/03/2024
IR1A	See actions in main text	01/03/2024
IR1A	See Actions in main text	01/03/2024

Compliance criteria codes are listed in the 'Important information' section below.

### 3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

**You are non-compliant with your permit.**

**We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.**

### 4. Details of our assessment

At 10:15 on the 17th January 2024 Phil Harper, Senior Industry & Waste Regulation Officer and Stuart Ross, Lead Specialist, Industry & Waste Regulation Team visited Maelor Foods Ltd, Pickhill Lane, Cross Lanes, Wrexham, LL13 0UE. This was an announced site visit. The visit was accompanied by the Health, Safety and Environment Manager for the site.

During the inspection it was disclosed that the effluent treatment plant (ETP) was being impacted by increased suspended solids from the factory. The operator disclosed that an investigation is ongoing to establish whether the solids traps were in place on drains within the factory.

**Action 1: The operator is reminded that a full report into the root cause of high tank levels and ETP performance issues must be submitted to NRW for review by the 16<sup>th</sup> February 2024 as required by compliance assessment report CAR\_NRW0043297.**

**NOTE: Multiple non-compliances against the management system have been identified within this compliance assessment report. These non-compliances are identified throughout but are scored at the end of this compliance assessment report.**

#### **Balancing Tank Levels**

At the time of the inspection tank levels were observed to be at the following levels, balance tank 98 %, divert tank 34 %. Tankers had been ordered to remove some of the effluent for treatment elsewhere.

The Health Safety and Environment Manager for Maelor Foods disclosed that tank levels had been impacted during the weekend, because ETP operatives had failed to arrange for sludge to be collected from the sludge tank. The sludge tank then filled to 100 % capacity causing the ETP to go into auto pause until sludge could be removed from site 7 hours later.

This indicates that activities at the ETP are not being managed using a robust management system or being supervised by competent personnel.

**A breach of permit condition 1.1.1(a) has been identified.**

**A category 3 score has been applied against permit condition 1.1.1(b) under subheading IR1A- General Management.**

**Action 2: Perform a review of all procedures with relate to management, maintenance and operation of the effluent treatment plant to ensure that they provide compliance with the permit by the 1<sup>st</sup> March 2024.**

**Action 3: The operator must ensure that plant operatives have received appropriate training to be able to implement the management procedures which affect their role adequately to ensure environmental protection by the 1<sup>st</sup> March 2024.**

**Action 4: The operator must ensure that plant operatives have received appropriate training to be competent within their role by the 1<sup>st</sup> March 2024.**

#### **Removal of Solids from the Main Clarifier**

During the inspection it was noted that sludge had been removed from the main clarification tank at the ETP. Officers were informed by the Health Safety and Environment Manager that high solid levels had been experienced by the ETP over the preceding weekend. This resulted in the dissolved air filtration (DAF) plant becoming overwhelmed and it had been unable to remove the solids. This has resulted in increased levels of solids reaching the later stages of the effluent treatment process forming a thick blanket of solids on top of the main clarification tank.

In an attempt to reduce the quantity of solids in the main clarifier, operatives had removed surface solids from the clarifier using a net on a pole. Sludge had then been thrown over the side of the clarification tank by hand. It was noted that the area of concrete hardstanding surrounding the tank was covered with a layer of sludge with splash marks up the sides of neighbouring pieces of equipment. This indicates that management procedures are not place in to describe how solids are removed from the main clarifier and that changes in procedure are not adequately managed in accordance with permit conditions.

**A breach of permit condition 1.1.1(a) has been identified.**

Sludge was observed by officers on unmade ground outside the bund wall adjacent to the main clarifier. This represents a point source emission which is not listed as an emission point in schedule 3 tables S3.1 and S3.2 of the permit.

**A category 3 score has been applied against permit condition 3.1.1 under subheading IR3A- Emissions to water, air or land.**

**Action 5: Review relevant management procedures by the 1<sup>st</sup> March 2024.**

**Action 6: Ensure that a full clean down of surfaces occurs by the 12<sup>th</sup> February 2024.**

#### **Final Clarifier**

During the inspection it was noted that the effluent entering the final clarifier contained a large quantity of solids and was brown in appearance.

Solids could be seen passing over the final effluent weir for discharge to the River Dee. Final effluent was

immediately diverted to emergency pits. The ETP supervisor described that nozzles within the final clarifier had become blocked with solids, preventing the equipment from functioning correctly. Plant operatives were unblocking nozzles immediately before and during the observations being made.

**Action 7: The operator must undertake a full review of ETP operation and maintenance with a view to improve reliability, performance and effluent quality. This work should be undertaken by a suitable competent person by the 15th March 2024.**

#### **Formal Water Sample**

A formal sample of the final effluent was taken for analysis. The sample was split to provide a sample which was analysed by Natural Resources Wales (NRW) and a sample for which the operator arranged testing. Results obtained by NRW are shown in the table below.

Parameter	Result	Permitted Compliance Limit
Biological Oxygen Demand	10 mg/l	20 mg/l
Ammonia	20 mg/l	5 mg/l
Total suspended solids	42 mg/l	30 mg/l
pH	7.23	6 to 9
Phosphate as P	0.5 mg/l	2.5 mg/l
Turbidity	14.6 NTU	No permitted limit set

Sample data for analysis undertaken by NRW indicates that effluent was outside its compliance limit for ammonia and total suspended solids. This data is not agreement with data which was obtained in house by the operator for the same sample in which, suspended solids were reported as 28.4 mg/l.

It should be noted that whilst the levels for ammonia and suspended solids appear to sit above their respective compliance limits, the permit describes that these are the limits for a flow proportional daily composite and not for an instantaneous spot sample; as taken on the 17<sup>th</sup> January 2024. No permit breaches have been applied with regard to the above data.

NRW is still awaiting results for the spot sample and composite samples from a third party.

**Action 8: The operator should review the analysis techniques for in house effluent testing and ensure that procedures are being undertaken correctly and that they are still fit for purpose by the 1<sup>st</sup> March 2024.**

**Action 9: Forward analysis data for the spot sample and composite samples for the 17<sup>th</sup> January 2024 without delay.**

#### **Autosampler**

The autosampler and composite sample collection vessel were inspected during the visit. Monitoring for

discharges at permitted emission point W1 is governed by the operators Emissions Monitoring Plan which forms part of the site's management system.

The Emissions Monitoring Plan highlights the controls to be adopted to ensure that sampling and sample storage at the autosampler remains representative and as required by MCERTS.

#### Autosampler Warning Message

A warning message was showing on the display for the composite autosampler. The sites Health Safety and Environment Manager stated that this would be looked into.

#### Composite Sample Container

The Emissions Monitoring Plan provides the following instruction for the sample container;

*“Once the samples have been taken the autosampler sample container must be emptied and cleaned out with fresh water before replacing in the autosampler ready to collect the next 24-hour sample.”*

Visual inspection of the sample container found that it was very dirty, containing an orange solid. This indicates that the container is not being cleaned out adequately following the collection of the sample. Failure to ensure that the container has been cleaned out is likely to influence the analysis of samples, rendering the results unreliable.

#### Digital Temperature Display

The Emissions Monitoring Plan requires that the sample compartment is maintained at a temperature of 5 °C with a tolerance of  $\pm 3$  °C. This is described in detail by the extract below;

*“The autosampler sampler compartment is refrigerated and maintained at  $5 \pm 3$  °C. The ETP Operative taking samples from the autosampler container must place the filled sample bottle(s) in the designated sample refrigerator, awaiting collection by the laboratory courier.*

*The refrigerator is set at 5 °C and has a digital temperature display. The ETP Operative and Sample Courier should check the digital display on the refrigerator regularly and report any deviations greater than  $5 \pm 3$  °C to their supervisor.*

*The autosampler compartment and refrigerator temperature is to be checked and adjusted by a calibrated thermometer at set intervals as per the calibration schedules for the water emissions monitoring equipment. Calibration results must be recorded and a “next calibration due date” label completed and stuck on the refrigerator and autosampler. The Engineering Manager is responsible for arranging and tracking these calibration checks.”*

During the inspection it was evident that the digital thermometer was not present. This goes against the controls set out by Emissions Monitoring Plan.

Because the thermometer was missing, ETP Operatives and Sample Couriers would have been unable to undertake deviation checks or calibration checks on the equipment. This shows a low awareness of the management system by the operatives involved. Accompanying managers were unaware that the thermometer was missing.

The autosampler issues identified during the audit show that the operator is failing to adhere to its Emissions Monitoring Plan.

**A breach of permit condition 1.1.1(a) has been identified.**

The issues identified with the autosampler demonstrate a low level of competence by sampling operatives.

**A category 3 score has been applied against permit condition 1.1.1(b) under subheading IR1A- General Management. This score has been consolidated with a previous score against permit condition 1.1.1(b) to give a single score.**

A lack of awareness by management regarding the warning message on the autosampler and that the digital thermometer was missing shows that site non-conformance and reporting procedure is not being implemented effectively at the site.

**A breach of permit condition 1.1.1(a) has been identified.**

**Action 10. Submit a full report to provide an explanation as to the cause and duration of the autosampler error message(s) and the consequence for sampling data. The report should also include a demonstration that the autosampler is collecting a flow proportional sample and is working as per product specification. Report to be supplied by the 15<sup>th</sup> March 2024.**

**Action 11. The operator should provide the documented maintenance regime for the autosampler, including how often it is checked for error messages, what maintenance tasks are performed and how often periodic calibration checks are undertaken to ensure flow proportional samples are correct.**

**Action 12: Ensure that all operatives receive training to improve awareness of the relevant management procedures by the 1<sup>st</sup> March 2024. The delivery of training must be documented, with documents submitted to NRW for review.**

**Action 13: Install a new digital thermometer into the composite sample container without delay.**

**Action 14: Submit calibration records for the digital thermometer for the following time period 1<sup>st</sup> July 2023 to the 31<sup>st</sup> January 2024 for review by NRW.**

**Breaches against the Management Condition 1.1.1(a).**

A number of permit breaches against the management condition 1.1.1(a) have been identified throughout this compliance assessment report.

Furthermore, due to the nature of circumstances at Maelor Foods limited, further site inspections have been undertaken since the 17th January 2024. These inspections have been undertaken on the following dates.

-25th January 2024, reference CAR\_NRW0043343

-29th January 2024, reference CAR\_NRW0043344

-1st February 2024, reference CAR\_NRW0043345

-7th February 2024, reference CAR\_NRW0043346

During these inspections multiple further breaches have been noted against permit condition 1.1.1(a). Continuous failure to manage the operation inline with the controls set out by the management system

presents a significant risk to the environment. All scores against permit condition 1.1.1(a) within this compliance assessment report and the related compliance assessment reports listed above have been consolidated into a single category 2 score.

**A category 2 score has been applied against permit condition 1.1.1(a) under subheading IR1A- General Management.**

**Action 15. The operator must undertake a full review of ETP operation and maintenance with a view to improve reliability, performance and effluent quality. This work should be undertaken by a suitable competent person by the 15th March 2024.**

**Action 16. ETP procedures should be updated to reflect any findings from completing action 11 by the 29th March 2024.**

Kind Regards

**Phil Harper**

**Senior Industry and Waste Regulation Officer NE**

**03000 65 3717/ 07890025506**

**[philip.harper@cyfoethnaturiolcymru.gov.uk](mailto:philip.harper@cyfoethnaturiolcymru.gov.uk)**

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

## Important information

### Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

### Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

### How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

**If your assessment result in Section 1 is suspended, what does this mean?**

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

**Full list of Industry compliance criteria (used in section 1 and 2):**

**1. Management**

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

**2. Operations**

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

**3. Emission and Monitoring**

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

**4. Information**

- IR4A – Records
- IR4B – Reporting
- IR4C – Notification

**Enforcement response**

Any non-compliance with a permit condition is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or

suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

### **Data protection notice**

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. Health and Safety Executive, local authorities) on environmental issues
- carrying out statistical analysis, research and development on environmental issues
- providing public register information to enquirers
- investigating possible breaches of environmental law
- assessing customer service satisfaction and improving our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

### **Disclosure of information – this report will be available to view on-line**

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within twenty working days to let you know if we agree to your request.

### **What do I do if I disagree with the report or have a complaint?**

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 to 18:00), or email [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk) for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at [ask@ombudsman.wales](mailto:ask@ombudsman.wales)

### **Welsh Language Standards**

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.